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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,413	02/27/2004	Yukihiro Urakawa	249344US2SDIV	4542
22850	7590	07/27/2005		EXAMINER
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			ABRAHAM, FETSUM	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/787,413	URAKAWA, YUKIHIRO	
	Examiner Fetsum Abraham	<b>Art Unit</b> 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 April 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) all is/are rejected.
- 7) Claim(s) 3 and 11 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4,7-10,12,16,17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagao (6,677,674) in view of Kimura et al (6,078,096) and further in view of Kim et al (6,594,818).

As for claims 1,7, the primary reference discloses the claimed COC package in fig. 7A where a memory chip (21) is mounted on logic chip (20) and both secured with each other with bump bonding means (2). a generic memory wafer having memory units separated by scribe lanes. Chips of different storage capacity are then extracted or produced from the wafer by combining different number of units similar to what the claimed invention does in figure 5 (see the abstract).

The primary reference discloses the most important portion of the claimed structure but could have missed detailing how the memory chips were separated from the memory wafer. However, Kimura et al teaches that chips were separated from a mother wafer by dicing means. Therefore, it would have been obvious to one skilled in the art to dice the chips in the primary reference from the mother wafer since dicing is the most basic and popular way of separating chips with high yield.

The prior arts disclose most subject matters claimed but may have missed to indicate that the memory chips were functionally mutually exclusive. However, Kim et al

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teaches that mutually exclusive memory chips of different capacity can be extracted from unit chips formed in common mother wafer (see abstract). Therefore, it would have been obvious to one skilled in the art to separate unit cells in singularity or multiplicity based on desired memory capacity since the practice satisfies various memory capacity requirement of different memory systems in different devices.

As for claims 2,10, the chips in the last two patents are similar units.

As for claims 8,9, the logic circuits supporting the memory chips in the primary reference is capable of generating control signals that assign word and data bits that in turn change word bits as understood by the examiner but called by the applicant as "organization"

As for claims 4,12, "**product by process**" claims are directed to the product per se, no matter how actually made, In re Hirao, 190 USPQ 15 at 17 (footnote 3). See also In re Brown, 173 USPQ 685 and In re Thorpe, 227 USPQ 964, 966. Therefore, the way the product was made does not carry any patentable weight as long as the claims are directed to a device. Further, note that the applicant has the burden of proof in such cases, as the above case law makes clear. Also see MPEP 2113.

As for claim 16, the primary art is a SiP (System in Package) device because it packages two different chips in integration.

As for claim 17, figure 2 of the primary reference shows that the COC structure is well packaged and the chips covered with encapsulant material and a container that contains the overall system.

Claims 5,6,13,14,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagao (6,677,674) in view of Kimura et al (6,078,096) and further in view of Kim et al (6,594,818) and further in view of Majima (4,408,875).

As for claims 5,13, although the shape of memory chips and length are known to be variable in the art and the specification indicates the arbitrary nature of the chosen size (see page 22, 18-20), the prior arts are silent on their chip shapes and length. However, Majima discloses a square memory chip having an area of 10 mm<sup>\*\*2</sup> (see column 2, 5-15). Therefore, it would have been obvious to one skilled in the art to form

the claimed memory shape because they tend to be simpler for projector-type exposure processing and the selected length because high-precision exposure has limitations as chip sizes go smaller and smaller.

As for claims 6,14, dicing line width is inversely proportional to yield. It is a known function of the target number of chips yielded from a given wafer. Therefore, it is known to be variable in the art. The claimed width by itself is not patentable unless criticality is an issue. In this case, the specification contains no disclosure of either the critical nature of the claimed arrangement or any unexpected results arising therefrom. Where patentability is said to be based upon particular chosen dimensions or upon another variable recited in a claim, the applicant must show that the chosen dimensions are critical. *In re Woodruff*, 919 F.2d 1575, 1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990). In fact, in pages 22 and 23, the width seems to have been picked arbitrarily and no teaching exists of its critical nature (see the last paragraph of page 23).

Claims 3 and 11 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fetsum Abraham whose telephone number is: 571-272-1911. The examiner can normally be reached on 8:00 - 18:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 571-272-1915.

Fetsum Abraham

7/20/05